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Chairman: Mr. ESCOVAR-SALOM (Venezuela)

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The meeting was called to order at 3.05 p.m.

AGENDA ITEM 142: STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS (continued) (A/51/215 and Corr.1 and Add.1)

1. Mr. POLITI (Italy) urged all States that had not yet done so to ratify the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts and to accept the competence of the International Fact-finding Commission, as only universal acceptance of those instruments could guarantee respect for international humanitarian law. The increasing number of States ratifying the additional Protocols was a very positive development. There was also a need to devise specific mechanisms to prevent violations of the principles of humanitarian law and to react adequately when serious violations occurred. The endorsement by the Twenty-sixth International Conference of the Red Cross and the Red Crescent of the Final Declaration of the 1993 International Conference for the Protection of War Victims was an encouraging step in the right direction. The suggestion that periodic meetings of States parties to the 1949 Geneva Conventions should be held to consider the implementation of international humanitarian law was particularly significant.

2. He emphasized the importance of the experience of the ad hoc tribunals for the former Yugoslavia and Rwanda in preparing for the establishment of a permanent international criminal court. Such a court was necessary for the prosecution and punishment of serious violations of international humanitarian law.

AGENDA ITEM 143: CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES (A/51/257 and Add.1)

3. Ms. LIND (Norway), speaking on behalf of the Nordic countries, welcomed the report of the Secretary-General (A/51/257 and Add.1) on an agenda item in which the Nordic countries had traditionally shown a keen interest. The protection of the representatives of States was a cornerstone of the system of international cooperation, and a State's obligation to ensure the protection of diplomatic representatives and their premises was a well-established principle of international law.

4. However, the aim of that principle was not to defend particular individuals, but rather to protect the channels of communications between States in the interests of international peace and security. Furthermore, representatives who enjoyed diplomatic protection had a corresponding duty to respect the laws of the receiving State.

5. The slight decrease in the number of incidents concerning diplomatic representatives and missions noted in the Secretary-General's report did not hide the fact that some of those incidents had been of a very serious nature, so that constant vigilance was necessary. The security of personnel and the unhindered conduct of diplomatic relations required close cooperation between

States. She appealed to all States that had not yet done so to become parties to the relevant international legal instruments, and she drew the attention of delegations to the procedures for reporting violations. It was to be hoped that the draft resolution to be submitted on the item by the Nordic countries and other sponsors would be considered in an atmosphere of consensus.

6. Mrs. CUETO MILIÁN (Cuba) said that Cuba had a long history of observing and enjoying diplomatic privileges and immunity, and was a party to many international legal instruments in that area. The debate on the agenda item in the Sixth Committee provided an opportunity to promote and guarantee observance of diplomatic privileges and immunities at the bilateral as well as the multilateral level.

7. Her Government had always afforded full protection and security to diplomatic and consular representatives in its territory; it had scrupulously avoided any interference in the work of diplomatic and consular missions in Cuba and had never violated any privileges or immunities applicable to diplomatic property or personnel. She was glad to say that Cuban diplomatic personnel enjoyed the same treatment from the international community as a whole. Unfortunately, international diplomacy was suffering from isolated and politically motivated attacks of a bilateral nature on the privileges and immunity of Cuban diplomatic representatives. The principles of equality and mutual respect required Member States to respect and implement, without discrimination or bias, the system of privileges and immunities accorded to all permanent missions to the United Nations. Yet the security of the Permanent Mission of Cuba to the United Nations had repeatedly been violated for more than 30 years, and its personnel had been physically assaulted and generally harassed. Only recently, its premises had been flagrantly violated and two Cuban diplomats had been brutally attacked. Such violations revealed not only a failure to provide security and protection to the Mission and its personnel, but also a lack of basic respect for the dignity and position of diplomatic missions and representatives. The Permanent Mission of Cuba had brought the facts to the attention of the Permanent Mission of the United States of America to the United Nations and to the Committee on Relations with the Host Country, and had also taken the step of making the relevant notes verbales available to the Sixth Committee, with copies sent to the Secretary-General for inclusion in future reports on the item.

8. She urged all States Members that had not yet done so to ratify the relevant international instruments, particulary the 1975 Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character. She called upon the Sixth Committee to adopt a draft resolution that would reflect General Assembly resolution 49/49 in its entirety and transmit it to the plenary Assembly.

9. Mr. TANÇ (Turkey) said that Turkish diplomatic and consular missions and representatives continued to be the targets of terrorism, against which some States were not providing adequate protection. Pursuant to General Assembly resolution 49/49, his Government had promptly notified the Secretary-General of the attacks, which were reported in document A/51/257/Add.1, but so far the response from the States in which the violations had taken place had been unsatisfactory.

10. He wished to recall that States were required by General Assembly resolution 42/154 to act promptly to bring offenders to justice and report to the Secretary-General; they also had obligations under international law which should be taken very seriously. Those obligations were clearly set out in the various conventions on diplomatic relations, to which Turkey was a party. He drew attention, in particular, to the provision appearing in both the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations which required States to take all possible measures to protect the premises of diplomatic missions to allow them to operate peacefully and with dignity.

11. He urged all States to honour their obligations under those and other conventions. The protection of diplomatic missions and representatives was not only a legal duty, but also a basic requirement for peaceful international relations. No State could afford to be selective in dealing with violent acts of terrorism against diplomatic missions and representatives; otherwise, they might one day find themselves the victim of terrorism.

12. Mr. ODOI-ANIM (Ghana) welcomed the Secretary-General's thorough report, but said that the current agenda item deserved more attention. Attacks against diplomatic missions and their representatives were attacks on the fundamental structures through which the international community worked towards peace, goodwill and prosperity for all humanity.

13. In the light of continued violations of diplomatic and consular premises and violent attacks on diplomatic representatives, sometimes with tragic consequences, his delegation reaffirmed its condemnation of all such violence and its commitment to implementing and enforcing the principles and rules of international law. He urged States not to be selective in observing the obligations of the relevant treaties and invited all States that had not yet done so to ratify the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. The effectiveness of such instruments would be enhanced by greater bilateral and multilateral cooperation and information-sharing.

14. Mr. HAYES (Ireland), speaking on behalf of the European Union and the associate countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Romania and Slovakia, said that enhancing the safety of diplomatic missions and representatives was important because it facilitated healthy political, economic and cultural exchanges between States. The collective beneficial effect on international relations in general of smoothly running diplomatic exchanges was not to be underestimated. It was therefore vital to ensure that the relevant privileges and immunities, as recognized in international law and provided for in international agreements, were assured in practice, and all efforts, particulary through international cooperation, to do so were welcome.

15. The sense of purpose of the countries on whose behalf he was speaking was best summed up in paragraph 3 of General Assembly resolution 49/49, which urged States to observe and enforce the principles and rules of international law governing diplomatic relations and to take practical measures to prohibit

illegal activities that might lead to the perpetration of acts against the security and safety of diplomatic missions and representatives.

16. The same resolution also required States to report incidents which took place in their own territory or which involved their own missions and representatives. He hoped that the decline in the number of new reports of violations reported in the Secretary-General's report represented a real improvement and not merely a decline in the reporting of such incidents by States. Sadly, some of the violations reported had had very serious and even fatal consequences. The safety of diplomatic and consular premises and personnel would be significantly improved if States adhered to and observed the provisions of the relevant multilateral agreements.

The meeting rose at 3.50 p.m.